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MS /AF REPLY UNDER

37 C.F.R. \$\frac{1}{1}\frac{1}{16} EXPEDITED PROCEDURE EXAMINING GROUP 1615

> PATENT 1422-0507P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:

Makoto OZEKI et al.

Conf.:

8140

Appl. No.:

09/980,620

Group:

1615

Filed:

December 15, 2001

Examiner: SHEIKH, H.N.

For:

COMPOSITIONS FOR PROMOTING SLEEP

INFORMATION DISCLOSURE STATEMENT (SUBMISSION AFTER FINAL REJECTION)

#### MS AF

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

July 18, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

## I. LIST OF PATENTS, PUBLICATIONS, OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449, attached hereto.

### II. <u>COPIES</u>

a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

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# III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

#### a. DOCUMENTS IN THE ENGLISH LANGUAGE

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

#### b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

#### C. ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

#### d. **OTHER**

The following additional information is provided for the Examiner's consideration.

The reference was cited in the Supplementary Partial European Search Report dated April 28, 2003 for the corresponding foreign application.

#### <u>FEES</u>

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(d):

after the mailing date of a Final Action under § 1.113.

See the Statement Under 37 C.F.R. § 1.97(e).

- V. <u>STATEMENT UNDER 37 C.F.R. § 1.97(e)</u> (check <u>only</u> one box)

  The undersigned hereby states that
  - a. 

    each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
  - b. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
  - Some of the items of information were cited in a c. communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this to the remaining information, undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, best of my knowledge after reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

#### VI. PAYMENT OF FEES (check one box)

- A check in the amount of \$180.00 is enclosed for the fee required under 37 C.F.R. § 1.97(d) and as set forth in 37 C.F.R. § 1.17(p).
- Please charge Deposit Account No. 02-2448 in the amount of \$180.00 for the fee required under 37 C.F.R. § 1.97(d) and as set forth in 37 C.F.R. § 1.17(p). A triplicate copy of this paper is attached.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

By Gereld M. Murphy, Jr., #28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

**Q**S GMM/TBS/mua 1422-0507P

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(703) 205-8000

Attachment(s):	$\boxtimes$	PTO-1449				
	$\boxtimes$	Documents				
	$\boxtimes$	Foreign Search Report				
	$\boxtimes$	Fee				
		Other:				

(Rev. 04/30/03)

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